

B7  
Cont

one slit in a longitudinal direction and the tape is folded upon itself in a transverse direction along the slit in such a manner that at least a portion of the protective film is disposed on an outer layer of the tape and that at least a lateral longitudinal section is provided in said protective film, said section being perforated.

---

B7

14. (Twice Amended) The tape of claim 1 or 2, wherein the backing consists of an open-pored material which exhibits adhesion properties for plaster.

---

#### REMARKS

The drawings and specification are objected to for minor informalities. Claims 1-18 are rejected under 35 U.S.C. §112, first paragraph. Claims 1-18 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 5-6, 10-12 and 14-16 are rejected under 35 U.S.C. §103(a) as obvious over Vitale, U.S. Patent No. 4,792,473 in view of Hibler, U.S. Patent No. 6,001,200 and Tuoriniemi, U.S. Patent No. 6,444,307. Claims 1-3, 5-6 and 10-16 are rejected under 35 U.S.C. §103(a) as obvious over Loscuito, U.S. Patent No. 5,264,775 in view of Hibler and Tuoriniemi. Claim 4 is rejected under 35 U.S.C. §103(a) as obvious over Vitale or Loscuito in view of Hibler and Tuoriniemi and further in view of Porter et al., U.S. Patent No. 5,895,301. Claims 8 and 17-18 are rejected under 35 U.S.C. §103(a) as obvious over Vitale or Loscuito in view of Hibler and Tuoriniemi and further in view of Avery,

U.S. Patent No. 2,373,092, Blok et al., U.S. Patent No. 6,177,163 and Samuelson,  
U.S. Patent No. 5,736,001.

### **Objection to the Drawings**

The Examiner objects to the drawings for minor informalities. The objections of the Examiner will be addressed in turn below.

First, the Examiner objects to Figs. 1 and 2 and claim 1. Fig. 1 is a cutaway view of the tape before it is folded. The tape in Fig. 1 is perforated and folded in various ways to obtain the embodiments discussed in the specification and shown in the drawings. For instance, the specification as originally filed (paragraph bridging pages 9 and 10) clearly states that the "tape is folded on itself along an essentially continuous slit." In addition, the specification continues to add that, "According to Fig. 2, only a portion of the whole width of the tape is folded upon itself along the slit 6." A slit 6 in the tape is clearly described in the specification and the tape is folded along the slit.

Regarding the objection to the drawings concerning claims 7 and 9, the drawings are amended to show this feature by adding new Fig. 5. No new matter is entered. Support for this feature can be found in the specification as originally filed on page 9 at the end of the third paragraph or on page 6, 3<sup>rd</sup> paragraph.

Regarding the rejection of claim 11, Fig. 1 shows a tape for providing an embodiment with two lateral longitudinal sections. In addition, the specification discusses this feature on page 7, 2<sup>nd</sup> paragraph.

In view of the above it is respectfully requested that all objections to the drawings be withdrawn.

### **In the Specification**

The specification is objected to for minor informalities. The specification is amended to comply with the Examiner's requirements. No new matter is added. Entry of the substitute specification and abstract is respectfully requested. Accordingly, it is respectfully requested that the objections to the specification be withdrawn.

### **Rejections Under 35 U.S.C. §112, First Paragraph**

The Examiner rejects claims 1-18 under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse the Examiner's rejections.

Regarding the rejection of claim 1, as stated previously, Fig. 1 is a cutaway view.

Regarding the rejections of claims 7 and 9, new Fig. 5 is added to show these features. In addition, in the specification as originally filed, page 6, 3<sup>rd</sup> paragraph, these features are described as siliconized paper.

Accordingly, it is respectfully requested that all rejections under 35 U.S.C. §112, first paragraph be withdrawn.

#### **Rejections under 35 U.S.C. §112, Second Paragraph**

The Examiner rejects claim 1-18 under 35 U.S.C. §112, second paragraph as indefinite. Applicants respectfully traverse these rejections.

Regarding the rejection of claim 1, claim 1 is amended to clarify the invention.

Regarding the rejection of claim 4, Applicants respectively traverse that the language “hand tearable” is indefinite. From the plain and clear meaning of the language, it is clear that the tape can be torn by force applied by one’s hand. In addition, it is further noted that in rejecting this claim based on art, the Examiner with apparent complete comprehension of the limitation rejected the claim.

Regarding the rejection of claim 7, the language “the folded side” derives antecedent basis from claim 6. It is further noted that the language “folded side”

is definite. From the plain and clear language of the specification and a review of the drawings, it is clear that the folded side is the side of the tape when the tape is folded. Fig. 5 is added to further help in understanding of this feature. Support for this feature can be found in the specification as originally filed on page 9, end of 3<sup>rd</sup> paragraph and page 6, 3<sup>rd</sup> paragraph.

Regarding the rejection of claim 11, the two lateral longitudinal sections are at least provided in the peelable protective layer. In addition, as noted above, Fig. 1 shows a tape for providing an embodiment with two lateral longitudinal sections. Furthermore, the specification discusses this feature on page 7, 2<sup>nd</sup> paragraph.

Regarding the rejection of claim 14, claim 14 is amended to delete the word "good."

Accordingly, it is respectfully requested that all of the rejections under 35 U.S.C. §112, second paragraph be withdrawn.

### **Rejections Under 35 U.S.C. §103(a)**

The Examiner rejects the claims based primarily on the Vitale or Loscuito references in view of the Hibler and Tuoriniemi references. Applicants respectfully traverse these rejections, Independent claim 1 recites, in part:

wherein the protective film has at least one slit in a longitudinal direction and the tape is folded upon itself in a transverse direction along the slit in such a manner that at least a portion of the protective film is disposed on an outer layer of the tape and that at least a lateral

longitudinal section is provided in said protective film, said section being perforated.

These limitations are not taught by the cited art.

The present invention is directed to an adhesive tape including a combination of an adhesive layer protected by a peelable protective film, the protective film having at least one slit in a longitudinal direction and the tape is folded upon itself in a transverse direction along the slit, and at least a lateral longitudinal section, said section being perforated. With this combination of features, such an inventive tape is easily processed (adhesive layer, peelable protective film, folding upon itself) and it provides a good long-time sealing connection of joints in house construction due to the at least one lateral longitudinal section being perforated, which provides for a secure hold due to the fact that the perforation openings permit partial penetration of the tape by a layer such as plaster, which is to be applied subsequently on at least a partial region of the tape after it has been processed. Thus, long-time stability of a sealing connection can be achieved. In particular, moisture does not have an adverse effect on the sealing connection using a tape according to the invention due to the perforation providing long-time stability of the connection.

This long-time stability cannot be achieved by using a tape which only uses an adhesive layer. As none of the cited documents give any teaching or suggestion

to combine a tape for closing, sealing or gluing joints in house construction having an adhesive layer and a peelable protective film and a slitted and folded tape design, with a tape design having at least a lateral longitudinal section that is perforated, the subject matter of the invention cannot be rendered obvious by the cited references. There is no combination of the cited references rendering the subject matter obvious.

For instance, Vitale describes a self-adhesive wall board tape for use in building construction and/or repair and the erection of dry walls. This self-adhesive tape comprises a substrate having longitudinally spaced holes in the center of said substrate and an adhesive coating on one side of said substrate. The center portion of said substrate is adhesive-free. Contrary to the self-adhesive tape of this reference, the present invention serves to close-off, seal and glue joints in house construction. The closing-off, sealing and gluing effect of the tape according to the present invention cannot be achieved by a tape design with holes in the center according to Vitale.

Hibler discloses a tape for protecting outside corners formed by two walls or faces. The side of the tape of Hibler are formed from a relatively stiff polymeric material compared to the hinge in the middle of the tape. The rear surface of the tape

is coated with a pressure-sensitive adhesive that may be covered by a peelable protective film. The tape design according to Hibler is not folded upon itself in a transverse direction along a slit and there is no lateral section that is perforated.

Touriniemi describes a tape roll which may be folded upon itself to improve processing of the tape. According to this reference, a central portion of a supporting layer may be adhesive-free. However, the tape of this reference does not have a lateral longitudinal perforated section, and it does not have a peelable protective film having at least one slit in a longitudinal direction.

Loscuito discloses a tape for seams in drywall construction including a paper tape member having a pattern of holes therein extending across the complete width and length of the tape. An adhesive is applied to one surface of this tape. The tape is preferably made of paper or other porous material which is compatible with wet and dry compounds. However, due to the overall pattern of holes, the tape design of this reference cannot be used to sealingly connect joints in house construction as it is possible with the tape according to the invention. Furthermore, this reference does not teach peelable protective film having at least a slit in a longitudinal direction and does not show a tape being folded upon itself in a transverse direction along said slit.



Porter discloses a hand tearable barrier laminate preventing liquid water from passing through it and permitting water vapor to pass through it. At one surface of this laminate adhesive layers may be arranged at the edges of the laminate. These adhesive layers may be covered by a detachable protective film. The design according to this document does not show a slit in the protective film and does not show any perforation of at least a lateral longitudinal section of the laminate.

Avery, Blok et al. and Samuelson generally show unrolling devices for tape known from the prior art. However, no specific hints are given that these unrolling devices can be used in connection with a slitted, folded and perforated tape design according to the invention.

Accordingly, as the cited art fails to teach or suggest the claimed invention, it is respectfully requested that all rejections under 35 U.S.C. §103(a) be withdrawn.

### **Pending Claims**

For the convenience of the Examiner, APPENDIX II is provided herewith having a complete set of pending claims with all amendments effected therein.

**Fees**

Applicant respectfully requests a two month extension of time for responding to the Office Action. Please charge the fee of \$410.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,  
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg  
C. Bruce Hamburg  
Reg. No. 22,389  
Attorney for Applicants

and,

By Jacqueline M. Steady  
Jacqueline. M. Steady  
Reg. No. 44,354  
Attorney for Applicants

Jordan and Hamburg LLP  
122 East 42nd Street  
New York, New York 10168  
(212) 986-2340

enc: Letter to Draftsman with proposed drawing Fig. 5; Substitute Specification;  
and Marked reproduction of original specification.

**APPENDIX I****AMENDED CLAIMS WITH AMENDMENTS INDICATED THEREIN  
BY BRACKETS AND UNDERLINING**

1. (Twice Amended) A pressure-sensitive tape for closing, sealing or gluing joints in house construction, including joints in corners and edges, comprising a backing layer, an adhesive layer supported by the backing layer, and a peelable protective film resting on the adhesive layer, wherein the protective film has at least one slit in a longitudinal direction and the tape is folded upon itself in a transverse direction along the slit in such a manner that at least a portion of the protective film is disposed on [the outside] an outer layer of the tape and that at least a lateral longitudinal section is provided in said protective film, said section being perforated.

14. (Twice Amended) The tape of claim 1 or 2, wherein the backing consists of an open-pored material which exhibits [good] adhesion properties for plaster.

**APPENDIX II****ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN**

1. (Twice Amended) A pressure-sensitive tape for closing, sealing or gluing joints in house construction, including joints in corners and edges, comprising a backing layer, an adhesive layer supported by the backing layer, and a peelable protective film resting on the adhesive layer, wherein the protective film has at least one slit in a longitudinal direction and the tape is folded upon itself in a transverse direction along the slit in such a manner that at least a portion of the protective film is disposed on an outer layer of the tape and that at least a lateral longitudinal section is provided in said protective film, said section being perforated.

2. The tape of claim 1, wherein the tape is slit twice and folded along one of the slits in the transverse direction.

3. (Amended) The tape of claim 1 or 2, wherein the backing comprises paper and/or a plastic film and the adhesive layer is a pressure-sensitive acrylate adhesive.

4. (Amended) The tape of claim 1 or 2, wherein the backing is hand tearable transversely to the longitudinal direction of the tape.

5. (Amended) The tape of claim 1 or 2, wherein the adhesive layer has a non-adhering central strip and the protective film is slit along a line between the non-adhering central strip and the adjoining adhesive layer and is folded along the line.

6. (Amended) The tape of claim 1 or 2, wherein said folded tape is in the form of a roll.

7. The tape of claim 6, wherein an intermediate layer is provided at least at the folded side of the roll.

8. (Amended) The combination of the tape of claim 6 and a dispenser, the dispenser storing the tape and being adapted for unrolling of the tape therefrom thereby to dispense the tape.

9. (Amended) The combination of claim 8, wherein means are provided at least at the folded side of the tape for preventing adhesion to the dispenser.

10. (Amended) The tape of claim 1 or 2, wherein the tape is at least 3 to 4 cm wide when not folded.

11. (Amended) The tape of claim 1 or 2, wherein two lateral longitudinal sections, which are perforated, are provided.

12. (Amended) The tape of claim 1 or 2, wherein a non-adhering central strip is provided and the perforated longitudinal section is at a distance from the central strip.

13. (Amended) The tape of claim 1 or 2, wherein the backing, the adhesive layer and the protective film are perforated.

14. (Twice Amended) The tape of claim 1 or 2, wherein the backing consists of an open-pored material which exhibits adhesion properties for plaster.

15. (Amended) The tape of claim 1 or 2, wherein the perforated section has openings with an average diameter of at least 3 millimeters.

16. The tape of claim 15, wherein the openings are essentially circular, polygonal or oval.

17. (Amended) The combination of claim 8, wherein the dispenser has at least one outlet slot for the tape.

18. (Amended) The combination of claim 8, wherein the dispenser is comprised of cardboard.